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Judiciary Committee

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Regarding HB 4520. My name is Mark Sheperdigian. I am a Board Certified Entomologist in the specialty of Urban and Industrial Entomology; the topic of bed bugs and their control is squarely within my area of expertise. I am considered an expert in the field and served in 2010 as a member on the *Michigan Bed Bug Working Group*, organized by Erik Foster, Medical Entomologist at the Michigan Department of Health and Human Services. This working group, comprised of governmental agencies and private stakeholders, produced the document **Michigan Manual for the Prevention and Control of Bed Bugs**, which has been adopted by many agencies and jurisdictions nationwide. I think you will find that Mr. Foster and a number of his colleagues could also shed further light on this subject.

In my opinion, the net result of HB4520 bill as currently written will be more bed bug infestations and larger bed bug infestations. More tenants are likely to be financially damaged or ruined by bed bug costs, which in turn will mean more people looking for state aid.

HB 4520 in its current form creates a "causation clause," (Sec. 1F (1)) by which tenants may be assessed the costs of bed bug control and treatment in their unit as well as other areas where bed bugs have spread. This clause (Sec. 1F (2)) also exempts landlords from any damages arising from bed bug infestations except in the case of gross negligence. While it seems logical to assess tenants with the costs of associated with the bed bugs that they introduced, the reality of the situation demands a closer look.

We have learned a great deal about bed bugs since they re-emerged onto the urban landscape 10-15 years ago. Here are some of the important facts regarding bed bugs that necessitate a revisiting of HB 4520.

- **Tenants are largely unable to perform an adequate inspection for bed bugs.**

Bed bugs are hard to find and, without training, it is very difficult to find small infestations. This means that tenants would be unable to protect themselves by identifying a rental property with a light infestation. By the time a person realizes they have bed bugs, the population has been there for a while and is established. This is directly applicable to Sec. 1E (2) which states that a tenant shall inspect a rental unit for infestation when the tenant first occupies the unit. Sec. 1E (4) also states that tenants shall notify the landlord if they suspect bed bug infestation within 2 days. Given that infestations may go undetected for weeks if they are small, a tenant could thereby occupy a unit without knowledge of infestation, and be blamed for the infestation because they did not detect it until weeks later.

- **It is often impossible to determine where the bed bugs came from.**

Once an infestation reaches a certain point, the bugs will disperse and can show up in other units. They can be found in adjacent units, on benches and seats in common areas, laundry rooms, and even roaming the halls. They may be brought in on clothing and household goods without being noticed. They may be introduced by maintenance workers or service people entering the unit at the landlord's request. Therefore, determining the cause of a bed bug infestation in multi-unit housing can be difficult or impossible.

- **If there is a direct cost to the tenant for having bed bugs, they will invariably avoid reporting /or they will attempt to solve the problem cheaply by doing it themselves.**

If tenants do not report infestations for fear of the economic repercussions, the infestations will invariably grow and spread. This has consequences not only for nearby housing units, but for the community as a whole. Bed bugs are now spreading to schools, daycares, doctor's offices, libraries, and other public places. If infestations in high bed bug incidence areas are not dealt with promptly, and

delayed due to arguments over payments, the community as a whole will bear the costs.

Regarding tenants attempting to solve the problem on their own, this is typically done using internet remedies or store bought Do-It-Yourself products. Some of the products on the consumer market have been demonstrated to be ineffective; others are only effective if the applicator has advanced training and experience. Either way, the result is that a small infestation grows to become a heavy infestation and may even begin to spread before it is reported.

I write a column in the trade journal ***Pest Management Professional Magazine***. My article in the June edition is on exactly this issue and explains in more detail how a direct charge to tenants actually detracts from the effort to eliminate bed bugs. I have attached a copy of the article along with this letter.

If I can be helpful, please contact me.

Sincerely,

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Community bed bugs



The rate of
re-infestation
dramatically slows
control efforts
in apartment
communities
like this one.

- When there's a direct cost to tenants for bed bug control, reporting is delayed.
- Early detection is the key to controlling bed bug costs in multiple-dwelling communities.

By now, we've all heard about apartment communities with bed bug infestations so widespread that it threatens the apartment community's existence. Costs for bed bug control can exceed a customer's ability to keep up with control efforts. This usually occurs because the rate of re-infestation dramatically slows the progress of control. When this happens, there are usually a number of heavily infested units.

Heavy infestations work against community control efforts in three ways:

- 1** Bed bugs are carried to many other locations, but are more likely to start new infestations in places frequented by that tenant.
- 2** If the new infestations are left undetected or untreated long enough, these concurrent infestations can feed each other and hinder any control efforts that may be implemented. If these locations are in the same apartment building, the problem is compounded.
- 3** When a population becomes so big that bed bugs are dispersing at all times, they might disperse to adjacent units. Sometimes they walk up and down the halls. It's also

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common for the occupants of heavily infested units to discard furniture in hopes of eliminating or reducing their misery. Unless proper disposal procedures are used, a full-blown infestation might be simply carried into another unit.

Heavy infestations are much more difficult to control, and not simply because of the concurrent infestation effect. The chances for survivorship increase when more insects are present; this seems to be true for heat treatments and contact

A step-by-step, comprehensive program is the best approach for troubled communities.

insecticide treatments. The result is more and heavier infestations. Detecting and controlling bed bugs before populations get out of control has a multiplying effect on community control efforts.

THE REAL COST OF CHARGING RESIDENTS

To control costs, many apartment communities charge tenants for all or part of the cost of bed bug treatment. It's believed if tenants have to pay for bed bug treatment, they'll be more careful, resulting in fewer infestations and defraying costs. While this seems logical, the reality is the opposite.

If there is a cost for tenants to report, several things happen. First, they might ignore the signs of early infestation. It's human nature to equate payment *delayed* with payment *avoided*.

When the bugs can no longer be ignored, tenants first try to

do it themselves. Between the Internet, inaccurate media reports and hearsay, one can get advice on any subject imaginable. But home remedies almost always result in small infestations that grow into medium or heavy infestations.

Do-it-yourself efforts usually continue until someone else discovers the bugs. It's become typical for a crew inspecting adjacent units to come across a relatively severe infestation in a unit where the tenant had denied ever seeing any. I witnessed one account in which the condo association didn't know there were bed bugs in the unit until they were seen on the hazmat suits of the emergency medical technicians removing the body of the occupant who had passed away.

This is why it's a best practice to always inspect adjacent units. For those adjacent to heavy infestations, interceptors can be left to monitor bed bug movement. While a live bed bug doesn't necessarily indicate an infestation, it might indicate an introduced bed bug.

Costs for the tenant aren't always monetary. Overly burdensome preparation requirements can be as daunting to tenants as a bill. Requiring *all* their clothes be laundered can cost them in both labor and laundering. If the tenant must use a laundromat, there are transportation costs as well.

WHAT'S THE SOLUTION?

A bed bug program for an apartment community should have three objectives:

- ① don't move them in;
- ② find them and deal with them early; and
- ③ stop them from spreading.

A community program should also include canine inspections after move-outs, move-ins, and in regular inspections to identify light



infestations before they get out of control. A complete sweep of all units at the outset of the program will characterize the level of infestations, and identify any heavy infestations that are present. This requires access to certified teams of well-trained and -maintained dogs. This can be a challenge, but how to choose canine teams is a topic for another column.

Another essential component is support for tenants who might not be capable of proper preparation by themselves. A set procedure for the discard of infested furniture is vital for heavily infested communities. Providing the personnel to come to a unit, contain the infested piece, and remove it to a secure disposal site can go a long way toward reducing the spread of bed bugs.

Finally, building a program for an apartment community must begin with education, so all principal groups (administration, staff and tenants) can participate. Even in cities with a lot of bed bug activity, an apartment community can achieve an effective level of control and maintain it long-term. Putting such a program together might seem complicated or expensive, but over time, it will reduce the costs of bed bug management. A step-by-step, comprehensive program is the best approach for troubled communities. PMP

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